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In re application of
Craig R. Horne et al.
Serial No. 09/757,519
Filed: August 23, 2003
For: METAL VANADIUM OXIDE PARTICLES

DECISION ON
PETITION

This is a response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT UNDER 37 C.F.R. § 1.181, filed April 19, 2004. The petition requests that the abandonment, as set forth in the Notice of Abandonment of March 26, 2004, for failure to timely file a proper reply to the Office letter mailed May 15, 2003(it is noted that Applicant is correct in that such was an Advisory Action mailed May 15, 2003 not requiring a response by Applicant and should have been correctly identified in the Notice of Abandonment as that no response had been received to the FINAL action mailed January 27, 2003) be withdrawn since the applicants did timely file a reply on August 20, 2003. (Copies of the papers filed August 20, 2003 are attached to the instant petition as well as a copy of the USPTO date stamped postcard receipt dated August 22, 2003.)

DECISION

The instant request has been accepted as a petition to withdraw the holding of abandonment under the provisions of 37 CFR 1.181 (no fee) - no abandonment-in-fact. A review of the evidence presented reveals that applicant's reply was properly filed on August 20, 2003 as evidenced by the USPTO date stamped return receipt postcard indicating receipt of the reply at the USPTO on August 22, 2003. Accordingly, any holding of abandonment for failure to timely file a proper reply to the Office letter mailed January 27, 2003 is hereby vacated, and the application is returned to pending status.

The application shall be forwarded to the examiner for entry, processing and consideration of the reply originally filed August 20, 2003.

The Petition is **GRANTED**.

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